16.1.47

File No. 12 5

1884.

Collection No.

15-1-47.

Jaipur Residency

Pros. Serial Nos. 34

Subject.

Jurisdiction over European British Subjects of District Magistrates who are Justices of the Peace & European British Subjects

Previous References.

Later References.

S. 97. (Blue.)

MGIPC—FP—725DCF—S&P—(G-1576)—14-3-28—60,000.

print Feb

reproduced on
the "Information
Bulletin"

An article in
impress
brief to upon the
minds of
officials to see
and urge that
every one should
improve handwriting
in office files.

Memo:-

Immediately before his departure to Ootacamund, the Resident was pleased to put me the question how it was that Madras Act III of 1869 was not included in the list of Acts in force in the Civil and Military Station recently issued by the Government of India. I promised to look into the matter and report upon it.

2. Having gone through the file of papers on the subject I find that the Act is included in the list of Acts in force in Mysore on 25th March 1881 which is proposed to be attached to the Instrument of Transfer. The Act was however excluded in the list of Acts for the Civil and Military Station of Bangalore, because there were no Revenue Officers in the Civil and Military Station, at the time the list was prepared. Similarly in the case of certain rules framed under Sections 20 and 23 of the Court fees Act regarding the service of Processes

A Manuscript copy of the Act (III of 1869) is herewith Sub-L

issued by the Revenue Courts, Mr Sandford directed the omission of the rules in the list because there were no Revenue Courts in the Civil and Military Station. Now, however, as Revenue officers have been appointed for the Station, I think it is necessary to request the Govt of India to re-introduce Madras Act III of 1869 with the necessary modifications. The draft of a letter which may be sent to the Govt of India on the subject is herewith submitted for approval.

Place in Revenue branch to put up.

There is a Rule* issued by the Govt of India in Notification No 123 dated 26 June 1872 which provides that Revenue officers may, in the investigation of Judicial Cases exercise the powers specified in the Civil Pro: Code for the summoning and examination of parties and witnesses. This rule is still in force in the Station, as a revised list of rules has not yet been submitted to the Govt of India. Madras Act III of 1869 however gives certain powers

* Manuscript copy herewith sub C

to

to Revenue Officers in carrying on the Revenue Administration (not in their capacity of Judges in Revenue Cases) and I think that it is desirable to re-introduce that Act.-

H Mulcahy Lieut Gov

22/4/24

HW 23/4

Yrs Dapre

JM 25/4

No. 6

FROM

A. MACKENZIE, ESQ., C.S.,

*Secretary to the Government of India.*

To The Chief Commissioner of Coorg

Home Department.
*Judicial.*

*Calcutta, the 27 February* 1884.

SIR,

IN inviting your attention to the provisions of Act III of 1884, amending the Code of Criminal Procedure, 1882, I am directed to request that it may be clearly pointed out to all District Magistrates that the jurisdiction over European British subjects conferred by Sections 443 and 446 of the Code upon Magistrates of the first class, who are themselves Justices of the Peace and European British subjects, has in no respect been taken away by the amending Act. It is obviously desirable that, as far as possible, charges of the less heinous offences brought against European British subjects should be disposed of under these sections. It is believed that in most districts the District Magistrate will have little difficulty in arranging that this should be done, and I am to request that you will issue such orders as you may think advisable with this view.

2. I am further to draw attention to the fact that nothing in Section 451A—the new section declaring the right of European British subjects to claim a jury before the District Magistrate—affects the power of the Magistrate to dispose of a case as at present, should the prisoner not demand a jury, or in any case to commit an accused person for trial under Section 347 or Section 447 of the Code. If the Magistrate at any stage of the proceedings thinks the case to be one for the Sessions or High Court, he should stay further proceedings for trial before himself and commit the accused.

I have the honour to be,

SIR,

Your most obedient Servant,

A. MACKENZIE,
*Secretary to the Government of India.*

A. E. M.—Home Department Press—No. 109—29-2-84—800.

1884 G. 466

From Sudia, Umrao

To The Chief Commr. Navy
(Naval Navy Office)

Dated 29th February

Despatched

Received 12th March 1884

Enclosures No. 5 spare Copies

General No. 6
No. 322

Requests that it may be pointed out to all District Magistrates that the jurisdiction over European British subjects conferred by Sections 444 and 446 of the Code of Criminal Procedure, 1882, upon Magistrates of 1st Class who are themselves Justices of the Peace and European British subjects, has in no respect been taken away by Act III of 1884.

With reference to the Resolution ordered within that copies of this letter should be sent to the Judge and the District Superintendent of the C & M Station. I respectfully beg to point out that Act III of 1884 amending the Code of Criminal

Criminal Procedure has not been extended to the C & M Station and that the instructions contained in this letter cannot be acted upon by the officers above named.

If it is intended to extend the Act to the Station I think the Chief Judge may be asked for his opinion on the matter and if he would suggest any modifications in the Act

Submitted for orders.

HLE
6.3.84

A copy of Act III of 1884 is herewith submitted.

HLE
7/3

Except for the sake of uniformity there seems no advantage in extending this act to the C & M.S. Most of our Chief Judges if consulted would be against it.

WWH
17/3/84

Drafted
HLE 17.3.84

2 Spare Copies

1884. A 1280

*From*

*To* The Registrar, Chief Court, Mysore.

*Dated* 12 March

*Despatched* 18

*Received*

**Enclosures No.**

*General No.* 2720
*No.* 1280

Sir,

I am directed by the Resident to request you will be so good as to state whether in the opinion of the Chief Judge, Act III of 1884, amending the Code of Criminal Procedure, should be extended to the Cis-Tungabhadra Division.

I have, &c.,

HW

Apte to the Resident

Subjects were excluded when the Code was extended to the Station, it is but right that the amendments of those parts of the Code should not be extended to the Station.

I would respectfully suggest however that in addition to the sections named by the Chief Judge, section 14 of the Amendment Act may also be extended as it contains an important general provision.

The last section (15) of the Act need not, perhaps, be extended as it simply contains the name of the Amendment Act and the date on which it should come into force. In the Station the Act will, if no date is specified, come into force on the date of the Notification by the Govt of India. I think the first part of the section may be retained and the second part which refers to the date on which the Act shall come into force may be omitted.

A draft letter to the Govt of India is submitted.

Justices of the Peace in Mysore have been appointed under the Foreign Jurisdiction Act XXI of 1879 and exercise their powers on the authority of that Act.

Asst to Resdt to appl. HW 15-4-82

OFFICE OF THE
No. 1626
22 MAR
RESIDENT IN MYSORE

To,
The Asst to the
Resident of Mysore.

Dated 20th
Despd 22nd } March 1882.

No. 24.

I am directed to acknowledge the receipt of your letter No. 2720/1283 of 17th instant, forwarding the Chief Judge's opinion with regard to the extension of sections 2, 11, 12 & 13 of Act III of 1882.

The Chief Judge recommends the extension to the C & M Station of Bangalore of sections 2, 11, 12 and 13 of Act III of 1884 (the Criminal Procedure Code Amendment Act).

Those are the only sections which amend the Criminal Law in force in the Station. Section 2 refers to Justices of the Peace and sections 3 to 10 to trials of European British Subjects, and as the portions of the Criminal Proc. Code which refer to Justices of the Peace and to European

HW

No 24.

Bangalore,
20th March 1884.

From,

The Registrar of the
Chief Court of Mysore.

To,

The Assistant to the
Resident of Mysore.

Sir,

In reply to your letter No. 2720/1280 dated the 17th Instant, I am directed to state that the amending Sections of Act III of 1884, on which Mr. Plumer can properly express an opinion, as Chief Judge, exercising the powers of a High Court in the Civil and Military Station, Bangalore, are Sections 2, 11, 12 and 13. The Chief Judge sees no objection to those amending Sections being extended to the Civil and Military Station, Bangalore. The other amending Sections, I am to add, apply exclusively to European British subjects over whom the Chief Judge has no Jurisdiction.

I

I have the honor to be,
Sir
Your most obedient Servant,

S. Hannaye Clerk
Registrar.

£4 6

Office of the Resident in Mysore
& Bangalore 24 April 1884

No 230/29

To
The Secretary to the
Government of India
Foreign Department

Sir,

I have the honor to request the sanction of H.E. the Viceroy and Governor General in Council to the Extension of Act III of 1884 (the Criminal Procedure Code Amendment Act), in a modified form, to the Civil and Military Station of Bangalore

2 When the Code of Criminal Procedure (Act X of 1882) was Extended to the Station the two portions relating to Justices of the Peace and to trials of European British Subjects were Excluded (vide Notification No 529 J. dated

1887 Ap 29

The Times

Dated 24th April
Despr 25 - /
No. 230
'29

Ref 5.6.84.

Reports Rescission of Act XIV of 1887 (the Criminal Procedure Code Amendment Act) in so far as modified by Act III of 1888 (the Criminal Procedure Code Amendment Act) relating to the Withdrawal of Complaints

No 291/42 Dated 1st January 1842

Office of the Resident in Mysore

To,
The Secretary to the
Government of India,
Foreign Department,
Simla.

Sir,

In the list of Acts in force in the Civil and Military Station of Bangalore which was submitted to the Govt of India with Mr Sandford's letter No 670/147 of 24th June 1882, Madras Act III of 1869 was omitted as there were at the time no separate Revenue Officers in the Station. The Acts specified in that list having, by Foreign Deptt Notification No 2252 I, dated 7th August 1883, been declared to apply to the Civil and Military Station in supersession of all former Notifications, the Madras Act under reference is no longer in force. Now that separate Revenue Officers for the Station (a Collector and an Amildar) have been appointed under the recent orders of the Govt of India, it has become necessary to empower them

An Act to empower Rev: Officers to summon persons to attend at their Cutcherries for the settlement of matters connected with Revenue Administration. ——

1884 Apr 42

Ex Tanjore.

Dated 1st May

Disp 3

Sec Sp 291/42

Secl - Confl

Encl

Madras Mail, 23 April 1884, p. 3

Requests sanction to the introduction of Madras Act III of 1869 into the C & M Stn of Mangalore

(Copy)

No. 2385 I

Foreign Department
Judicial.
Simla the 25th June 1884

Notification.

The Governor General in Council is pleased to extend section 2, sections 11 to 14 (both inclusive), and section 15 (except the words and figures "and it shall come into force on the first day of May, 1884,") of Act III of 1884 (the Criminal Procedure Code Amendment Act, 1884) to the civil and Military station of Bangalore

Bangalore

(Sd) C. Grant

Secretary to the Govt
of India.

---

No 2386 I

Copy of the above forwarded to the Resident in Mysore for information, with reference to his letter No 230/29, of the 24th April 1884.

By order, &c,

R. Martindale

Assistant Secretary
to the Govt of India.

Foreign Department.
Judicial.
Simla, the 25th June 1884.

c 4/12

1884

OFFICE OF THE RESIDENT IN MYSORE. G.126 3 JUL 84

& the Magistrates in the C & M Stations.

From

Indian Foreign

Dated 25th June 1884

Received 3rd July 1884

No. 2386 I

With reference to the Circular No. 230 of the 24th April 1884, forwarding Copy of Notification extending certain provisions of Act XXIV of 1881 to the Civil and Military Stations of Bangalore.

No. 844 of 12-7-84 is herewith forwarded for information.

This Notification may, I think, be republished in the Mysore Gazette.

At the same time copies of Home Department Letter No. 6/322 of 29th February last may be sent forwarded to the Sessions Judge and

(Copy)

No. 2387 I

Foreign Department.

Judicial.

Simla, the 25th June 1884.

Notification.

The Governor General in Council is pleased to extend Madras Act III of 1869 (an Act to empower Revenue officers to summon persons to attend at their Cutcherries for the settlement of matters connected with Revenue Administration) to the Civil and Military Station of Bangalore, subject to the following modifications:-

(1) For the word "Tahsildars" wherever it occurs, read the word "Amildars"

"Amildars;" and

(2) For the word "District" in section 1, read "Civil and Military Station of Bangalore".

(sd) C. Grant
Secretary to the Govt of India.

---

No. 2388. I

Copy of the above forwarded to the Resident in Mysore for information, with reference to his letter No. 291/42, of the 1st May 1882.

By order, &c,

A. Mackinnon
Assistant Secretary to the Govt of India.

Foreign Department,
Judicial,
Simla, the 25th June 1884

1884

OFFICE OF THE
Ly. 124
JUL 34
RESIDENT IN MYSORE.

---From

Indian Foreign

Dated 25th June 1884

Received 3d July 1884

No. 2388 I

With reference to this
No. 291/42 of the 1st
May 1884, forwards a
copy of Notification
of the Madras
Act III of 1869 with
certain modifications
to the Civil & Military
Station Bangalore.

A copy of this Notification
may be forwarded to the Collector
& Magistrate, C & M Station

A copy may also be
sent to the Compiler, Mysore
Gazette for re-publication

As this Act is not easily
available, may 25 copies of

Is there any Act in force in Mysore similar to the Madras Act?

Yes
4.7.84

Office of the Resident in Mysore
Bangalore August 1884

To The Chief Secretary
to the Madras Govt
Ootacamund

Sir

I am directed by the Resident to request that you will be so good as to furnish this Office with 25 Copies of Act III of 1869 (an Act to empower Revenue Officers to summon persons to attend at their Cutcheries for the settlement of matters connected with Revenue Administration) as early ~~copy~~ available

I have the honor to be
Sir
Your most obedient
Hble
Servt

1884 ch. 590

*From*

*To* The Chief Secretary to the Madras Govt. Ooty

*Dated* 21st August.

*Despatched* 22nd

*Received*

**Enclosures No.** 4

*General No.* 1132

*No.* 590.

Rp. 1. 27 Sept. 1884

Requests to furnish this Office with 25 Copies of Act III of 1864 Cantonment Act & Supplement. Revenue Officers & Summon persons to attend at Courts Cutcherries for the Settlement of Revenue matters.

1884. cl 5 1

*From*

*The Assistant to the Resident*
*in Mysore.*

*To* *Messrs Higginbotham & Co*
*Madras.*

*Dated* *22 August 1884.*

*Despatched* *a*

*Received*

**Enclosures No.**

*General No.* *1139*
*No.* *593*

4-74-2-9-20-9

*Has the honor to request that they will be so good as to supply this Office with 50/ Envelopes 11½ × 5 inches, and at the same time to forward ~~the~~ samples of different sizes of official Covers and Envelopes.—*

*Asst to the Resident.*

Political Department.

# PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Letter from the Assistant to the Resident in Mysore, dated 21st August 1884, No. 1132/590, requesting to be furnished with 25 Copies of Act III of 1869.

Order thereon, 2nd September 1884, No. 603 Revs.

Ordered accordingly.

(True Extract.)

Chief Secretary.

To

The Resident in Mysore,

with C.L.J. Acts.

" Supdt of Govt Press

Pol Department.

To

The RESIDENT IN

MYSORE.

Sir,

I am directed to forward, for your information, copy of the Proceedings of this Government of to-day's date, No. 603 Mis

I have the honor to be,

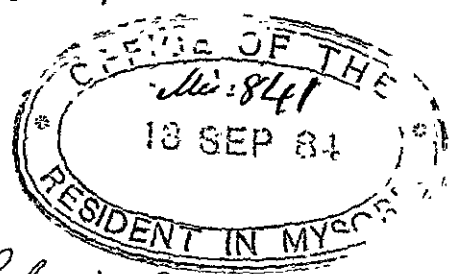
Sir,

Your most obedient Servant,

C. Bowen Major R.E.
Under Secy to Govt
for Chief Secretary.

Ootacamund
2nd Sept 1884.

1884




From

The Chief Secretary
to the Madras Govt

Dated 2nd September 1884
Received 13th Do.

Forwarding copy of the Proceedings sanctioning the supply of 25 copies of Act III of 1869.

No. 13 1/7
—
220

9 Revenue

10 Abstracts Entered

10 — 884

1884

OFFICE OF THE
Rec'd
15 SEP
SIDENT

From
The Superintendent
Coast Rules.
Fort St George

Dated 13 Sept/84
Received 15 "

Sir

I am directed
to refer to
your letter
No 229/6 74
dated 10th
Sept/84
With reference to
this office letter
No 2 dated 1st August/84
to the address Govt
forwarding 25 copies
of Act 3 of 1869.

I have the honor to be
Sir
Your most obedient
Servant

No. 2292

Government Press, Fort St. George,
13th September 1884:

FROM

THE SUPERINTENDENT,
GOVERNMENT PRESS,

To The Assistant to the
Resident in Mysore,
Bangalore.

SIR,

With reference to your letter No. 1132/590, dated 21st August 1884 to the address of the Chief Secretary to the Government of Madras, I have the honor to intimate the despatch, this day, by Post of 25 copies of Act No. 3 of 1869, and to request an early remittance of Annas fourteen, being the cost, &c. thereof.

I have the honor to be,
Sir
Your obedient Servant,
R. Hill
Ag: Superintendent.

HIGGINBOTHAM & CO.,
(ESTABLISHED 1844.)
PUBLISHERS AND BOOKSELLERS,
By Appointment in India
To His Royal Highness The Prince of Wales,
and to the Madras University.

164 & 165, MOUNT ROAD,
MADRAS

20th September 1884.

To

The Asst to the Resident

in Mysore,

Bangalore.

Sir,

We have the pleasure to wait upon you with the annexed statement of our account, ending 31st Augt. shewing a balance due of Rs. 2 . . 2 . . 0 which we trust will be found correct, and request the favor of an early remittance, in postage stamps.

Awaiting which with your further commands,

We remain,

Sir,

Your obedient Servants,

Higginbotham & Co.

CREDIT ACCOUNTS.—Three months allowed to established Constituents only. Period of settlement on receipt of statement ending 31*st March*, 30*th June*, 30*th September*, and 31*st December*, after which dates Interest will be charged at the rate of 12 per Cent. per annum.

TO STRANGERS.—Remittances to accompany orders, otherwise the parcel will be forwarded by post under "value payable" system.

CASH PAYMENTS are subject to discount. This does not apply to Indian Publications which are *net*.

Folio 91. The Asst. to the Resdt. in Mysore. Bangalore — Dr.

| 1884. | | | |
|---|---|---|---|
| Aug. 26 | To 50 Blue official envelopes, 11½ × 5 | 1 | 12 |
| | " Postage, &c. | | 6 |
| | Rupees | 2 | 2 |

E. & O.E.
Madras, 20th September 1884.

Messrs. HIGGINBOTHAM & CO., 164 & 165, Mount Road, Madras.

The Assistant to the 26th August 1884.
President in Mysore – Bangalore

Invoice of Goods forwarded by Book post prepaid on your account and risk in attention to your order, dated 22 instant awaiting your further commands.

If cash is remitted on receipt, Rs.

| | | Rs. | A. | P. |
|---|---|---|---|---|
| Aug 25 | To 50 Official Envelopes 11/2 × 5 | 1 | 12 | |
| | " Postage | " | 6 | |
| | We have enclosed samples of other sizes of Envelopes we have ready made but we can always make them to order to any size. | | | |
| | | Rupees... | 2 | 2 |

## Memo. of Account.

| | Rs. | As. | P. |
|---|---|---|---|
| To Balance of Account last rendered... ... ... .. | | | |
| ,, Amount of Invoice as above ... ... ... ... | | | |
| Cr. | | | |
| By Cash ... ... ... ... ... ... ... ... ... | | | |
| Balance in favor ... ... Rupees... | | | |

Errors &c.

Benguru Rama

# TERMS.

**Credit Accounts.**—Three months allowed to established Constituents only. Period of settlement on receipt of statement ending *31st March, 30th June, 30th September* and *31st December*, after which dates Interest will be charged at the rate of 12 per Cent. per annum.

**To Strangers.**—Remittances to accompany orders, otherwise the parcel will be forwarded by post under "value payable" system.

**Cash Payments** are subject to discount. This does not apply to **Indian Publications** which are *net*.

**Books not in Stock** will, as a rule, be supplied out of first receipts, unless countermanded.

**Express Orders** undertaken. If the order is large, half the amount to be paid in advance, the balance before delivery.

**Remittances** in *Telegraph* and *Court Fees Stamps* are *not accepted*. Sums of less than *eight* Annas may be sent in *Postage Stamps*, all other remittances should be either by *Cheque, Money Order* or *Postal Note*. Remittances by the latter two are both safe and inexpensive. In remitting Currency Notes by halves, the second half should follow immediately. No order attended to, until both halves are received.

**Insufficient Address.**—It would be a great saving of time and ensure correct delivery if addresses and Post-towns with the names of the provinces in which they are located are clearly written at the foot of the order. This latter is *absolutely* necessary when two or more towns bear the same name: as *Bhurtpore*, Rajputana; *Bhurtpore*, Moorshedabad; *Tiruvalur*, Tanjore; *Tiruvallur*, Chingleput.

**Miscarriage of Parcels.**—The Postal authorities must be looked to for redress in cases of miscarriage and loss of parcels during transit. H. & Co.'s responsibility cease immediately on posting parcel. No parcels registered, except by express desire and payment of additional charge.

**Mistakes of identity.**—Ladies addressing the Firm, are requested to enclose their cards, or give their husbands' address to prevent mistake of identity.

---

# REMARKS.

OFFICE OF THE
Mis. 842
22 SEP 81
RESPECTFULLY RETURNED

18

From

Minn Supt

To

Madras.

Dated 20 the September 1881.

Despatched

Received 22 1

Enclosures No.

General No.

No.

I forwarding a bill for Rupees 2-2 being the cost of 50 official envelopes supplied to this office

I Am Sir Your Most Obedient Servant

E Thomas 14/15 8-10-81

742

1884.

*From* Civil

*To* The Officer in charge
Residents Treasury

*Dated* 1st October

*Despatched*

*Received*

**Enclosures No.** B 3/4.

*General No.* 1367
*No.* 720

Has the honour to request that he will be so good as to furnish 2 Postage Privilege remittance Orders for Rupees three & annas two in adjustment of the cost of Envelopes -

In favour of the Supdt of Govt Press Fort St George for Annas 14- in adjustment of the cost by 25 Copies of Act No 5 of 1869. -

In favour of Messrs Higgin bothams Ltd Madras for Rupees three & annas two in adjustment of the cost of Envelopes -

Has the honour to request that he will be so good as to furnish 2 Postage Privilege remittance Orders for Rupees as noted in the margin for the accompanying Enclosures 3. -

D.H.J.

Dar Assistant Resident

1884. 743

From

To The Superintendent
Government Press
Fort St. George
Madras

Dated 8 Actalics
Despatched 9
Received

Enclosures No.

General No. 416
No. 743

His letter No. 2292
Dated 13 September 1882

Has the honor to forward
a Privilege Remittance
Transfer Receipt for
Annas 14/- in adjustment
of the Cost of 25 Copies
of Act 3 of 1869 supplied
to this Office -

J W

Asst Resident